

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7327**

**BILL NUMBER:** HB 1509

**NOTE PREPARED:** Jan 12, 2013

**BILL AMENDED:**

**SUBJECT:** Accessible Parking Spaces.

**FIRST AUTHOR:** Rep. VanNatter

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill creates the Accessible Parking Spaces for Persons with a Physical Disability Fund. The bill provides that a civil judgment or penalty of at least \$400 must be imposed for an infraction or an ordinance violation for parking in an accessible parking space without the proper credentials. It also provides that \$100 of the civil judgment or penalty must be transferred to the fund. The bill provides that photographic or video evidence of violations of the law concerning parking in an accessible parking space without the proper credentials may be made for purposes of enforcement. The bill also makes corresponding amendments.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** This bill will increase the workload of the Division of Disability and Rehabilitative Services to administer the Accessible Parking Spaces for Persons with Physical Disability Fund. Increases in workload are expected to be minimal and accomplished with existing staff and resources.

**Explanation of State Revenues:** *Summary:* This bill could increase state revenue from civil penalties assessed against individuals who improperly park in a handicapped parking spot by increasing the minimum fine from \$50 to \$400. As a result, the General Fund could receive additional revenue.

Additionally, for every violation for improperly parking in a handicapped spot, \$100 of the minimum \$400 civil penalty is designated for the nonreverting Accessible Parking Spaces for Persons with a Physical Disability Fund.

Because the bill allows photographic evidence of violations to be used as proof of violation, this bill could increase the number of improper parking citations issued in the state, violation of which is a Class C infraction.

*Additional Information:*

This bill increases the civil penalty for improperly parking in a handicapped parking spot from a minimum fine of \$50 to \$400. Currently, if an individual improperly parks in a handicapped parking spot, they are subject to a civil penalty between \$50 and \$500. Under the bill, these violators will be subject to a civil penalty between \$400 and \$500.

Additionally, the bill specifies that \$100 of the civil judgment must be transferred to the Accessible Parking Spaces for Persons with a Physical Disability Fund (also created by the bill). The fund is intended to educate and increase awareness of improperly parking in a handicapped parking spot. The fund is to be administered by the Division of Disability and Rehabilitative Services. Money in the fund does not revert to the General Fund and is continually appropriated for the Division's use.

Currently, the penalty for improperly parking in a handicapped parking spot is a Class C infraction, unless the person utilized a handicapped placard or license plate that was not issued for their vehicle (which is a Class C misdemeanor).

Because the bill increases the minimum civil fee for improperly parking in a handicapped parking spot from a minimum of \$50 to \$400, this bill will increase revenue the General Fund receives from civil fees after the \$100 for the Accessible Parking Spaces for Persons with a Physical Disability Fund is deducted from the minimum fine. This bill could increase General Fund revenue from civil fines by approximately \$250 per offense, provided the minimum fine amount was previously assessed for each parking violation.

The number of violations for improperly parking in a handicapped parking spot are not known. Therefore, the increase in state revenue and for the Accessible Parking Spaces for Persons with a Physical Disability Fund is indeterminable.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

**State Agencies Affected:** Division of Disability and Rehabilitative Services.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.